

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ADAM PAULS,

Plaintiff,

Case No. 12-cv-15368
Honorable Gershwin A. Drain

v.

NATIONWIDE COLLECTION AGENCIES, INC.

Defendant.

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ORDER DISMISSING ACTION

On February 15, 2013, the Court held a scheduling conference. Counsel for defendant appeared for the conference, however, plaintiff, who is a *pro se* litigant, did not appear. On February 15, 2013, Plaintiff was contacted via telephone by the Court. The Court informed Plaintiff that his presence was required at the February 25, 2013, scheduling conference. On February 25, 2013, Plaintiff again did not appear for the scheduling conference. Plaintiff has repeatedly failed to attend a scheduling conference, thus, demonstrating a failure to litigate his claim. Accordingly, this case is DISMISSED without prejudice.

On December 6, 2012, Plaintiff initiated the present action claiming that Defendant violated the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 *et seq.* and the Telephone Consumer Protection Act, 47 U.S.C. § 227 *et seq.*

On December 21, 2012, a Notice to Appear for a scheduling conference was entered for February 13, 2013. On January 28, 2013, Defendant filed a Motion to Adjourn the scheduling conference date due to an unexpected scheduling conflict. On January 30,

2013, after finding good cause shown, the Court adjourned the scheduling conference date to February 15, 2013.

On February 15, 2013, Plaintiff was scheduled to attend the scheduling conference at 11:30 a.m. After waiting for approximately thirty minutes, the Court telephoned Plaintiff to inquire if he planned to attend the conference. Plaintiff represented to the Court that he was out of town and that he did not remember if he received the notice of the conference. However, the Court's records show that Plaintiff did receive notice of the scheduling conference at his home address of record. Plaintiff was informed that the Court would adjourn the scheduling conference until February 25, 2013. Furthermore, Plaintiff was advised that he was required to attend the February 25, 2013, scheduling conference and that his failure to attend may result in sanctions, up to and including dismissal of the action. On February 15, 2013, a Notice to Appear was sent to Plaintiff evidencing the February 25, 2013, scheduling conference.

Plaintiff did not appear for the February 25, 2013, scheduling conference. However, Defendant did attend the conference. Accordingly, this matter is dismissed for Plaintiff's continual failure to participate in the prosecution of this action. Pursuant to this Court's reasons stated on the record at the February 25, 2013, scheduling conference, **Plaintiff shall be required to pay \$500.00 directly to Defendant's counsel for reasonable attorney's fees prior to moving to reopen this case.**

SO ORDERED.

Dated: February 28, 2013

/s/Gershwin A Drain
GERSHWIN A. DRAIN
United States District Judge